

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301  
Indianapolis, IN 46204  
(317) 233-0696  
<http://www.in.gov/legislative>

**FISCAL IMPACT STATEMENT**

**LS 6133**

**BILL NUMBER: SB 40**

**NOTE PREPARED:** Jan 10, 2008

**BILL AMENDED:**

**SUBJECT:** Permits for Shoreline Activities.

**FIRST AUTHOR:** Sen. Meeks

**FIRST SPONSOR:**

**BILL STATUS:** CR Adopted - 1<sup>st</sup> House

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
☐ **FEDERAL**

**IMPACT:** State

**Summary of Legislation:** *Extending Permit Expiration Period.* This bill allows the Natural Resources Commission to grant certain permits with an expiration period of more than two years.

*Civil Proceedings.* The bill allows a determination or judgment of a dispute among persons with competing riparian interests to be enforced in a civil proceeding.

*Temporary Structures.* The bill provides that if (1) a temporary structure has been placed in a public freshwater lake under a permit or an exemption pursuant to riparian rights arising from the ownership of real property; and (2) the ownership in fee simple of the real property is transferred from one person to another person; the person to whom the ownership of the real property is transferred, to maintain the temporary structure in its location, must obtain a permit or meet the requirements for an exemption according to the permit requirements or exemption requirements in effect when ownership of the real property is transferred to the person.

**Effective Date:** July 1, 2008.

**Explanation of State Expenditures:** *Extending Permit Expiration Period.* The DNR will experience a minor increase in administrative expenses associated with adopting rules. The DNR should be able to cover these additional expenses given its existing level of resources. The DNR is funded through appropriations from the state General Fund and various dedicated funds.

**Explanation of State Revenues:** *Extending Permit Expiration Period.* The bill could result in a decrease in revenue collected from permits issued. An application for a permit must be accompanied by a

nonrefundable fee of \$100. Extending the expiration period would result in less revenue collected annually. However, the number of permits to which the proposal will apply is likely to be limited. Consequently, any revenue decrease is likely to be insignificant.

*Temporary Structures.* The bill could result in an increase in revenue collected from permits issued for temporary permits. However, the total number of permits to which the proposal will apply is likely to be limited. Consequently, any revenue increase is likely to be insignificant.

*Background.* The total number of water permits pending or closed in the DNR database exceeded 23,000. Revenue from water permits is deposited in the Land and Water Resources Fund. The DNR may expend money in the fund to develop and expand soil and water conservation programs; to research solutions for problems involving beneficial development, use, and management of the water resources; and to offset the cost to the Division of Water of administering the regulatory programs.

**Explanation of Local Expenditures:** *Civil Proceedings.* The bill provides that a party to a dispute may seek enforcement of a judgment or determination in a civil proceeding. This provision should have no impact to the extent that parties may seek enforcement in a civil proceeding under existing law.

**Explanation of Local Revenues:** See *Explanation of Local Expenditures* above.

**State Agencies Affected:** DNR

**Local Agencies Affected:**

**Information Sources:** Revenue Trial Balance, Office of the Auditor of State.

**Fiscal Analyst:** Bernadette Bartlett, 317-232-9586.